UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,966	07/08/2003	Steven E. Wells	42390.P4720	8857

7590	10/04/2005	

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EXAMINER
LAM, TUAN THIEU

ART UNIT	PAPER NUMBER
2816	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/614,966	WELLS, STEVEN E.
	Examiner	Art Unit
	Tuan T. Lam	2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>14 October 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>22-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>24-27</u> is/are allowed.

6) ☒ Claim(s) <u>22,23 and 28-36</u> is/are rejected.

7) ☒ Claim(s) <u>37-41</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>08 July 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/8/2003</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This is a response to the preliminary amendment filed 7/8/2003. Claims 22-41 are

pending and are under examination.

Specification

1.　　　The disclosure is objected to because of the following informalities: the specification has

failed to update the information on the US application 09/339,012, now USP 6,687,325.

　　　　Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.　　　The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.　　　Claims 22-23 and 28-34 are rejected under 35 U.S.C. 102(b) as being anticipated by

Mizuno et al. (USP 4,628,287)..

　　　　Figure 1 of Mizumo et al. shows a computer system comprising a bus (coupled between

non-volatile memory circuit 60 and the microprocessor 70), a processor (70) coupled to the bus,

a co processor (80), nonvolatile memory device (60) coupled to the bus to receive commands

from the processor, the commands including an increment command, the nonvolatile memory

device including an array organized in digits having non-uniform bases (256 cells in sequences

with 32 cells shown in figure 3 and discussed in the abstract), circuitry (counter in the memory

circuit 60) to increment a count value represented by the digits in response to the increment

command as called for in claims 22-23 and 31-34.

Regarding claim 28, figures 2 and 3 of Mizumo et al. shows a plurality of blocks of storage cells.

Regarding claim 29, the circuit of Mizumo et al. is capable of span one of the digits to two or more blocks.

Regarding claim 30, the nonvolatile memory circuit is a erasable programming read only memory.

4.   Claims 22-23 and 28-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Stodieck (USP 5,450,460)..

Figure 1 of Stodieck shows a computer system comprising a bus (where the command signals RRA, RWEN, RREN, RLSS, RCA are applied to), a processor (130) coupled to the bus, a co processor (122), nonvolatile memory device (110) coupled to the bus to receive commands from the processor, the commands including an increment command, the nonvolatile memory device including an array organized in digits having non-uniform bases (BT1 to BT3 and RC1 to RC4 of figure 2), circuitry (CLS) to increment a count value represented by the digits in response to the increment command as called for in claims 22-23 and 31-36.

Regarding claim 28, figure 2 shows a plurality of blocks of storage cells.

Regarding claim 29, the circuit of Stokieck is capable of span one of the digits to two or more blocks.

Regarding claim 30, the nonvolatile memory circuit is a erasable programming read only memory.

Allowable Subject Matter

5.   Claims 37-41 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

6.   Claims 24-27 are presently allowed.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. In this regard, applicant's cited prior art has been carefully considered..

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tuan T. Lam whose telephone number is 571-272-1744. The

examiner can normally be reached on Monday to Friday (7:30 am to 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TIMOTHY P. CALLAHAN can be reached on 571-272-1740. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan T. Lam
Primary Examiner
Art Unit 2816

9/29/2005